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Entered - 12/29/99 - sb
CL99L0870 - DIANNE C. MITCHELL
00-0159

CLAIM OF: COTTON STATES INSURANCE
AS SUBROGEE OF RUTHY WILCOX
P. O. Box 105303
Atlanta, Georgia 30348

FAVORABLE REPORT

For damages alleged to have been sustained as a result
of a vehicular accident on August 7, 1999 at 3390
Fairburn Road, SW.

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of
Atlanta that the action of the Department of Law be
approved in authorizing payment to COTTON
STATES INSURANCE AS SUBROGEE OF RUTHY
WILCOX the sum of \$1,000.00 in full settlement and
satisfaction of all claims, past, present and future, of
every kind and character for damages alleged to have
been sustained as a result of a vehicular accident on
August 7, 1999 at 3390 Fairburn Road, SW as is more
particularly set forth in the within claim; said sum
taken from and charged to account
1A01/529017/T31001, Settlement of Suits and Claims,
Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADOPTED BY

FEB 21 2000

COUNCIL

COM. _____

DATE _____

John M. Starns

Henry Jones

John M. Starns

CERTIFIED
FEB 21 2000

John M. Starns
COUNCIL PRESIDENT PROTEM

APPROVED

MAR - 1 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

CERTIFIED
FEB 21 2000

Rosalind Rubens Newell
MUNICIPAL CLERK



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-0159

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Cotton States Insurance as subrogee of Ruthy Wilcox** the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a result of **a vehicular accident on August 7, 1999 at 3390 Fairburn Road, SW** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

February 21, 2000

March 01, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0870

Date: February 3, 2000

Claimant /Victim RUTHY WILCOX
BY: (Ins. Co.) Cotton State Insurance
Address: P. O. Box 105303, Atlanta, Georgia 30348
Subrogation: X Claim for Property damage \$ 1,185.41 Bodily Injury \$ _____
Date of Notice: 12/08/99 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 08/07/99 Place: 3390 Fairburn Road, SW
Department Fire Bureau: _____ Division _____
Employee involved James McLemore Disciplinary Action: Letter of Reprimand

NATURE OF CLAIM: The driver of the City vehicle misjudged his clearance and struck the claimant's parked vehicle causing damages in the above amount.

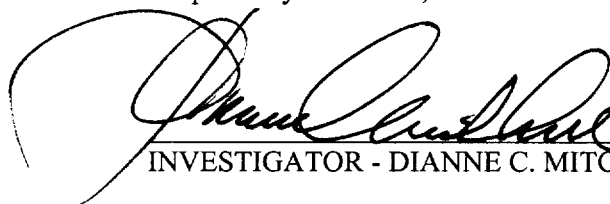
INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____
Claims Manager:  Concur/date 02-05-00
Committee Action: _____ Council Action _____



244 Perimeter Center Parkway N.E. Atlanta, Georgia 30346
Mailing Address: P.O. Box 105303 Atlanta, Georgia 30348
Phone: 770-391-8600
www.cottonstatesinsurance.com

INSURANCE
12/06/1999

Mitchell
12/28/99
an

ENTERED - 12-29-99 - SB
99L0870 - DIANNE MITCHELL

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
CITY HALL 68 MITCHELL STREET S.W.
ATLANTA, GA 30303

RE: OUR FILE NUMBER: 001199950048543
OUR INSURED: RUTHY WILCOX
DATE OF ACCIDENT: 08/07/1999
YOUR FILE NUMBER: UNKNOWN
ADVERSE PARTY: CITY OF ATLANTA FIRE DEPT.
AMOUNT PAID BY US: \$ 935.41
INSURED'S DEDUCTIBLE: \$ 250.00
LESS SALVAGE AMOUNT: \$
TOTAL AMOUNT OF CLAIM: \$ 1185.41

Dear TO WHOM IT MAY CONCERN :

We are advised that you are the liability insurer for the adverse party shown above. Our investigation indicates that the accident was due to the negligence of your insured and, therefore, we are presenting our subrogation claim to you. If you do not have a liability policy for the adverse covering this accident, please advise us promptly.

The supporting documents on our claim are enclosed for your review.

Yours very truly,

PAMELA SPEER
Senior Subrogation Analyst

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 99L0870

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to James McLemore, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident
which occurred on or about the 7th day of August, 1999,

at or near 3390 Fairburn Road, SW

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 31st day of January, 2000

Ramona L. Handley (LS)
**COTTON STATES INSURANCE COMPANY AS
SUBROGEE OF RUTHY WILCOX**

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.

Lois J. Welch
Witnesses
Notary Public, City of Georgia, No. 10000
My Comm. Expires August 31, 2000

00- *R* -0159

RCS# 1771
2/21/00
2:37 PM

Atlanta City Council

Regular Session

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM
CONSENT AGENDA

00-O-0122
00-O-0123
00-R-0202
00-R-0020

00-O-0212 - Councilmember
Boazman Abstained

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 *
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting
ITEMS ADVERSED ON
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

* Councilmember Boazman
abstained from voting on item 00-
O-0212.